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IO/UNP:CFRUEBENSAAL DRL:JRDSEBLATT (INFO)  
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O R 141811Z AUG 94  
FM SECSTATE WASHDC  
TO AMEMBASSY MOSCOW IMMEDIATE  
INFO USMISSION USUN NEW YORK  
AMEMBASSY THE HAGUE  
UN SECURITY COUNCIL COLLECTIVE  
USMISSION GENEVA

CONFIDENTIAL STATE 218325

E.O. 12356: DECL: OADR  
TAGS: RV, US, RS  
SUBJECT: ESTABLISHMENT OF UN WAR CRIMES TRIBUNAL FOR  
RWANDA

REFS: (A) USUN 3281, (B) STATE 282027

1. CONFIDENTIAL -- ENTIRE TEXT.

2. THIS IS AN ACTION MESSAGE.

3. CONSULTATIONS IN NEW YORK INDICATE THAT WHILE GOR IS  
WILLING FOR THE SECURITY COUNCIL TO ESTABLISH SOME SORT OF  
TRIBUNAL TO TRY PERSONS ACCUSED OF HAVING COMMITTED  
VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW IN RWANDA  
(REF A), IT HAS NOT ACCEPTED THE USG'S PROPOSAL THAT THE  
UNSC ACCOMPLISH THIS BY SIMPLY AMENDING THE EXISTING  
STATUTE OF THE YUGOSLAVIA TRIBUNAL (AS DESCRIBED IN REF  
B). DEPARTMENT BELIEVES THAT ANY OTHER COURSE WOULD BE  
COSTLY FOR THE UN AND NEEDLESSLY COMPLICATED.

5. EMBASSY MOSCOW IS REQUESTED TO APPROACH SENIOR RUSSIAN  
OFFICIALS ON MONDAY TO DISCUSS PLANS FOR A RWANDA  
TRIBUNAL, TO REPEAT POINTS IN REF B, AND TO MAKE THE  
FOLLOWING POINTS AS WELL:

A. USG BELIEVES THAT IT IS IMPORTANT THAT THE UN MOVE  
QUICKLY TO ACHIEVE RECONCILIATION IN RWANDA. AN IMPORTANT  
ELEMENT OF THIS WILL BE A TRIBUNAL TO ADDRESS THESE CRIMES.

B. WE APPRECIATE THE SUPPORT THE RUSSIAN MISSION HAS  
GIVEN TO THIS INITIATIVE IN NEW YORK. NONETHELESS WE  
UNDERSTAND THAT YOUR GOVERNMENT WANTS THE YUGOSLAVIA AND  
RWANDA EFFORTS TO BE LEGALLY SEPARATE ENTITIES.

C. WE BELIEVE THAT HAVING SEPARATE STATUTES AND SEPARATE  
TRIBUNALS COULD WASTE A GREAT DEAL OF UN FUNDS, AND COULD  
RESULT IN VERY SIGNIFICANT DELAYS IN ESTABLISHMENT OF THE  
RWANDA TRIBUNAL AND COULD RESULT IN CONFLICTING LEGAL  
VIEWS. OUTLINE PROPOSED TRIBUNAL STRUCTURE IN REF B).

D. WE HOPE THAT THE GOR CAN BE FLEXIBLE ON THIS ISSUE.  
THE ESTABLISHMENT OF A TRIBUNAL QUICKLY BY AMENDMENT TO  
THE STATUTE OF THE YUGOSLAVIA TRIBUNAL MAY HELP PREVENT  
PARTIES IN RWANDA FROM TAKING MATTERS INTO THEIR OWN  
HANDS, WHICH COULD RESULT IN FURTHER BLOODSHED.

E. WE ALSO BELIEVE THE COMMISSION OF EXPERTS SHOULD BE  
DIRECTED TO ISSUE AN INTERIM REPORT, WITHIN ONE MONTH,  
WHICH WOULD PROVIDE A BASIS FOR PROMPT ESTABLISHMENT OF A  
TRIBUNAL. THE FRENCH AND BRITS HAVE INDICATED THAT THEY  
CONCUR IN THIS APPROACH. THE COMMISSION COULD CONTINUE  
GATHERING EVIDENCE AFTER ISSUING ITS REPORT BUT WE CANNOT  
BELAY IN ESTABLISHING A TRIBUNAL. CHRISTOPHER

RELEASED IN PART  
B1, 1.4(B), 1.4(D), B6

B1, B6

UNITED STATES DEPARTMENT OF STATE  
REVIEW AUTHORITY: HARRY R MELONE  
DATE/CASE ID: 04 NOV 2004 200303979

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